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SEP 11 2009

OFFICE OF PETITIONS

In re Application of :
Liddicoat et al. :
Application No. 10/724,854 :
Filed: December 1, 2003 :
Attorney Docket No. LIDDICOHN-123 :
:

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed July 9, 2009, requesting the withdrawal of the holding of abandonment in the above-identified application and has been so treated.

The petition to withdraw the holding of abandonment is **GRANTED**.

The above-identified application was held abandoned for failure to timely reply to the Office action mailed December 22, 2008, which set a shortened statutory period for reply of one (1) months. A reply was due on or before January 22, 2009. A Notice of Abandonment was mailed on June 25, 2009.

Petitioner states that the reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of the return postcard, which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on June 25, 2009 of 1. Response (3 pages); 2. Time Extension Petition (5 month) (1 page); 3. Check for \$1175.00; and 4. Certificate of Mailing. Additionally, petitioner has supplied a copy of the previously mailed correspondence, which bears a certificate of mailing date of June 22, 2009.

A review of the application file shows that the reply acknowledged as having been received in the USPTO on June 25, 2009 (certificate of mailing date of June 22, 2009) has been located and is in the application file. Further, a review of USPTO financial records indicates receipt of the \$1175.00 check on June 25, 2009.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status. A petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 does not require a fee and none has been charged.

This matter is being referred to Technology Center AU 3773 for further examination on the merits.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions